

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, ) 1:22-MJ-0462  
 )  
v. )  
 )  
 )  
 )  
JAMES WAN, )  
Defendant, )  
 )  
----- )

**SENTENCING MEMO ON BEHALF OF DEFENDANT JAMES WAN**

COMES NOW, Curt Thompson, with Thompson & Associates Law Firm, P.C., 3775 Venture Drive, Building D, Suite 100, Duluth, GA 30096, and files this Sentencing Memo on Behalf of the Defendant James Wan stating as follows:

**Factual Background**

Defendant does not dispute the factual background as laid out in the Government's Sentencing Memo and Defendant affirmatively admitted to same at the October 17, 2023, hearing relative to Defendant entering a Guilty Plea (Docs 49 , 49 #1, and related transcript of same).

Defendant did supply notarized character references to the US Probation Office as part of his response to the presentence investigation report (PSR) asking those be considered in any recommendation or final sentence by the Government and, or this Court (Doc 52, 51 #1).

The Government is recommending a sentence of 87 months based on an adjusted Total Offense Level of 29 which is at the low end of the Sentencing Range for the Defendant's Criminal History Category of "I" (Doc 53 pages 1, 6, and 11) based on that Total Offense Level.

Defendant, through Counsel, argued that the base offense level should be 31 instead of 32 because of the statutory maximum of for the 18 USC § 1958(a) is 120 months. Using the same calculations of a 3 level downward departure the Government used for acceptance of responsibility and Criminal History Category of "I" which would result in an adjusted Total Offense Level of 28/I which carries a sentencing range of 78-97 months with 87 months being at the middle range of the Sentencing Range.

### Discussion

Defendant is requesting that the Court Sentence Defendant James Wan not more than the 87 months recommended by the Government as same is the low end of the sentencing range for an adjusted Offense Level 29/I. USSG §2E1.4 does indicate an offense level of (1) 32 (§2E1.4) the offense level applicable Defendant further asks that the Court consider a downward departure based on the Defendant's overall remorse, acceptance of responsibility, and the statements of character witnesses including statements the Defendant is not likely to re-offend as to this or other matters and that in keeping with same that the Court consider a downward departure to 79 month in its discretion.

### Conclusion

For the above and foregoing reasons Defendant asks that this Court sentence Defendant James Wan to 79 months' imprisonment if the Court agrees that a downward departure from the guidelines is warranted and not more than 87 months' imprisonment which is at the low end of the applicable guideline range as recommended by the Government.

Respectfully submitted this January 17, 2024

/s/ Joseph M. Todd

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CERTIFICATE OF SERVICE

This is to certify on this date I have served the Office of the United States Attorney a copy of the above and foregoing Notice of Appearance of Counsel via the online e-file system, by facsimile and by depositing same in the United States Mail, with sufficient postage prepaid, to the following addresses and email addresses:

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Respectfully submitted this January 17, 2024

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